

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ANGELA LUSHER, on behalf of
Hannah E. Justice,

Plaintiff,

vs

7:05-CV-1110

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

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DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff brought this action on behalf of her daughter, HJ, pursuant to 42 U.S.C. § 405(g) for a review of a decision by the Commissioner which denied benefits. By Report-Recommendation dated February 29, 2008, the Honorable David E. Peebles, United States

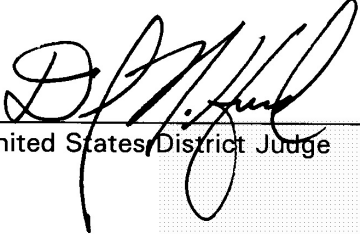
Magistrate Judge, recommended that the defendant's motion for judgment on the pleadings be granted, the Commissioner's determination be affirmed, and plaintiff's complaint be dismissed in all respects. No objections have been filed.

Based upon a careful review of entire file and the recommendations of Magistrate Judge Peebles, the Report-Recommendation is accepted in whole. See 28 U.S.C. 636(b)(1). Accordingly, it is

ORDERED that

1. Defendant's motion for judgment on the pleadings is GRANTED;
2. The Commissioner's decision denying disability benefits is AFFIRMED;
2. The complaint is DISMISSED in all respects; and
3. The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.


United States District Judge

Dated: May 28, 2008
Utica, New York.